

302 KAR 20:066. Chronic wasting disease surveillance in farmed cervids.

RELATES TO: KRS 150.720-150.740, 246.295(2), 257.550, 257.990, 9 C.F.R. Part 55

STATUTORY AUTHORITY: KRS 150.720(1), 246.295(1), 257.030, 257.550, 257.552

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.720(1) and 246.295(1) require the Department of Agriculture in cooperation with the Department of Fish and Wildlife Resources to promulgate administrative regulations pertaining to health requirements, eradication of diseases, and identification of privately-owned and farm-raised cervids maintained for the production of meat and other products. This administrative regulation establishes criteria and health requirements necessary to prevent the introduction of chronic wasting disease into Kentucky and develop a herd monitoring system, and establishes requirements for intrastate and interstate movement of farmed cervids.

Section 1. Definitions. (1) "Adjacent herd" means a:

(a) Herd of cervids occupying premises that border a positive herd, including herds separated by roads or streams; or

(b) Herd of cervids occupying premises that were previously occupied by a positive herd within the past five (5) years.

(2) "Animal" means any farmed cervid.

(3) "Animal identification" means a device or means of animal identification approved for use under this administrative regulation by the State veterinarian.

(4) "APHIS" means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

(5) "Approved laboratory" means the National Veterinary Service Laboratory, Ames, Iowa, or any other laboratory approved by the Administrator of the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture.

(6) "Certified" means the status achieved by a herd that has met the standards of the CWD HCP continuously for at least five (5) years.

(7) "Certified CWD herd" means a herd of cervids that has achieved "Certified" status in the Kentucky HCP, the federal Chronic Wasting Disease Herd Certification Program, or a state Chronic Wasting Disease Certification Program approved by APHIS or the Kentucky State veterinarian.

(8) "Cervid" means deer, elk, moose, caribou, reindeer, and related species and hybrids thereof, including all members of the Cervidae family and hybrids thereof.

(9) "Cervid CWD Surveillance and Identification" or "CCWDSI" means a Cervid Management Plan that includes two (2) programs:

(a) The CWD Herd Certification Program (HCP); and

(b) The CWD Herd Monitoring Program (HMP).

(10) "Chronic wasting disease" or "CWD" means a transmissible spongiform encephalopathy of cervids.

(11) "CWD exposed animal" means an animal that is part of a CWD-positive herd, or that has been exposed to a CWD-positive animal or contaminated premises within the previous five (5) years.

(12) "CWD exposed herd" means a herd in which a CWD positive animal has resided within five (5) years prior to that animal's diagnosis as CWD positive, as determined by an APHIS or state representative.

(13) "CWD Herd Certification Program" or "HCP" means a program established by this administrative regulation to determine the CWD status of farmed cervid herds.

(14) "CWD Herd Monitoring Program" or "HMP" means a program established by this ad-

ministrative regulation to monitor farmed cervids in harvesting facilities for CWD.

(15) "CWD positive animal" means an animal that has had a diagnosis of CWD confirmed by means of two (2) official CWD tests.

(16) "CWD positive herd" means a herd in which a CWD positive animal resided when it was diagnosed and which has not been released from quarantine.

(17) "CWD source herd" means a herd that is identified through testing, tracebacks, or epidemiological evaluations to be the source of CWD-positive animals identified in other herds.

(18) "CWD suspect animal" means an animal for which an APHIS or state representative has determined that unofficial CWD tests results, laboratory evidence, or clinical signs suggest a diagnosis of CWD, but for which official laboratory results are inconclusive or not yet conducted.

(19) "CWD suspect herd" means a herd for which unofficial CWD test results, laboratory evidence or clinical signs suggest a diagnosis of CWD as determined by an APHIS employee or state representative, but for which official laboratory results have been inconclusive or not yet conducted.

(20) "Farmed cervid" means cervid livestock that are enrolled in a CCWDSI program and are maintained for propagation, selling, trade, or barter or for taking by any harvest or slaughter method. Farmed cervid shall exclude any cervid that has not originated from and been continuously maintained within a herd that is enrolled in and complies with a CWD certified or monitored program.

(21) "Harvest" means to take or kill farmed cervids for meat and other products.

(22) "Herd" means a group of cervids that are:

(a) Under common ownership or supervision and are grouped on one (1) or more parts of any single premises (lot, farm, or ranch); or

(b) Under common ownership or supervision on two (2) or more premises which are geographically separated but on which animals have been interchanged or had direct or indirect contact with one another.

(23) "Herd plan" means a written herd agreement or premises management agreement:

(a) Developed by APHIS in collaboration with the herd owner, state representatives, and other affected parties; and

(b) Which sets out the steps to be taken to eradicate CWD from a CWD positive herd, to control the risk of CWD in a CWD-exposed or CWD-suspect herd, or to prevent introduction of CWD into that herd or any other herd.

(24) "KDFWR" means the Kentucky Department of Fish and Wildlife Resources.

(25) "Licensed and accredited veterinarian" means a veterinarian:

(a) Approved by the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, and the State veterinarian, in accordance with 9 C.F.R. Part 161, to perform functions required by cooperative state-federal animal disease control and eradication programs; and

(b) Who is licensed to practice in the Commonwealth of Kentucky under KRS Chapter 321.

(26) "Official animal identification" means a device or means of animal identification approved for use under 9 C.F.R. Part 55 by APHIS and the state veterinarian to uniquely identify individual animals.

(27) "Official CWD test" means any test for the diagnosis of CWD approved by APHIS and conducted in a laboratory approved by APHIS in accordance with 9 C.F.R. Part 55.

(28) "Quarantine" means an imposed restriction prohibiting movement of live or dead cervids or parts thereof to any location without specific written approval of the State veterinarian.

(29) "State" means any state of the United States, the District of Columbia, Puerto Rico, the U. S. Virgin Islands, or Guam.

Section 2. CCWDSI Surveillance Programs. All farmed cervid herds shall be enrolled in one (1) of the state CCWDSI programs, either the CWD Herd Certification Program (HCP) or the CWD Herd Monitoring Program (HMP) maintained by the Office of the State Veterinarian. The HCP and the HMP require annual renewal.

Section 3. HCP Requirements. Herds enrolled in this program shall meet the requirements provided in Sections 3 through 5 of this administrative regulation and the requirements in 9 C.F.R. Part 55, Subpart B. (1) Animal identification requirement.

(a) All animals twelve (12) months of age and older shall have at least two (2) forms of animal identification, one (1) of which shall be an official animal identification and one (1) form that is a visual (flop tag) type of identification, which shall be unique to that animal within the herd.

(b) All animals of any age shall have official animal identification before being moved from the premises for any purpose.

(2) The herd premises shall have a valid KDFWR permit and perimeter fencing that is approved by KDFWR pursuant to KRS 150.730 through 150.735.

(3) The herd veterinarian shall be notified within twenty-four (24) hours of observance of an animal with clinical signs suggestive of CWD.

(4) The owner shall report to the Office of State veterinarian all animals that escape or disappear, and all deaths (including animals killed by harvest or slaughter) of animals in the herd aged twelve (12) months or older.

(a) The reporting time frame shall be:

1. For animals that escape or disappear, a report shall be made within forty-eight (48) hours;
2. For animals taken by harvest or slaughter, a report shall be submitted by the last day of each calendar month; and
3. For animals that die from illness or unknown reason, a report shall be submitted within seven (7) days.

(b) The report shall include all animal identification numbers and the estimated time and date of the death, disappearance, escape, slaughter, or killing of the animal.

(c) Animals that die or are killed by harvest or slaughter shall have the required tissue specimens collected for CWD testing except as exempted by 9 C.F.R. 55.23.

(d) In accordance with 9 C.F.R. 55.23, an APHIS or state representative shall investigate herds that fail to comply with testing requirements and shall evaluate the herd's status.

(5) The owner shall maintain and provide to the State Veterinarian or APHIS representative upon request the following herd records:

(a) Complete inventory of animals including the official identification number and any other identification, and the age and sex of each animal;

(b) A record for each purchased or natural addition to the herd including:

1. The official identification number, species, age, and sex of the cervid;
2. The name and address of the person from whom the cervid was purchased;
3. The address of the herd from which the cervid was purchased;
4. A copy of the Certificate of Veterinary Inspection that accompanied the animal for intra- or interstate movement;
5. Date the purchased addition entered the herd; and
6. Approximate date of birth if a natural addition;

(c) A record of each cervid leaving the herd including:

1. If the cervid was shipped live other than to slaughter, the date of movement, the name of the person to whom it was shipped, the place to which it was shipped, and a copy of the Certif-

icate of Veterinary Inspection related to the shipment;

2. If the cervid died on the premises, the date of death, the apparent cause of death, the cervid's age, sex, and state-federal official individual animal identification, date and laboratory submitted for CWD testing, if required, and the disposition of the cervid's carcass. If the carcass left the premises, the record shall identify the carcass destination and recipient;

3. If the cervid was shipped to slaughter, the date of movement, the cervid's age, sex, and state-federal official individual animal identification, and the name and address of the slaughter establishment;

4. If the cervid was killed by harvest, the date, the name and address of the hunter, and the disposition of the carcass; or

5. If the cervid escaped, the date of escape;

(d) A record of all individual animal tests conducted on cervids in the herd;

(e) Records received from the herd veterinarian related to veterinary services provided to the herd; and

(f) All individual identification numbers (from tags, tattoos, electronic implants, etc.) associated with each animal.

(6) Animal inventory.

(a) To enroll a herd in the HCP, the owner shall conduct a physical inventory of all animals to establish the baseline herd inventory. The physical inventory shall be conducted with a representative of the office of the State Veterinarian and shall verify all animal identification and records.

(b) An annual herd inventory shall be conducted that reviews all records and includes observation of all animals in an enclosed area including physical restraint if necessary to reconcile all visible identification devices with available records.

(c) The state veterinarian or APHIS representative may request additional physical inventories to verify herd compliance with program standards.

(d) The owner shall be responsible for assembling, handling, and restraining the animals and for all costs incurred to present the animals for inspection.

(7) Maintenance of separate herds by the same owner shall comply with 9 C.F.R. 55.23.

(8) The herd enrollment date is the date which is the latter of:

(a) The physical inventory being completed in accordance with subsection (6)(a) of this section; and

(b) The application being approved by the state veterinarian.

(9) Surveillance procedures for the HCP. (a) HCP Certified Herds. Cervids twelve (12) months and older that die for any reason except slaughter or harvest shall be made available for tissue sampling and testing in accordance with instructions from the APHIS or state representative.

(b) Non-certified HCP Herds. Cervids twelve (12) months of age or older that die for any reason including slaughter or harvest shall be made available for tissue sampling and testing in accordance with instructions from the APHIS or state representative.

(c) All animals in an enrolled herd shall have official identification before reaching the age of twelve (12) months.

Section 4. HCP Permit. (1) A HCP permit shall be required to participate in the program. A HCP permit is valid for one (1) calendar year from the date of enrollment. The applicant shall submit the following:

(a) A permit application contained in the CCWDSI Herd Certification Program and Herd Monitoring Program application packet;

(b) A written statement by a Kentucky licensed and accredited veterinarian, certifying that

the veterinarian and the herd owner have a valid veterinarian-client relationship; and

(c) A fee of \$150.

(2) The department shall grant or deny a permit within thirty (30) days after the department receives the completed application package with the required fee.

(3) After the permit is issued, the participant shall enroll his herd into the HCP as follows:

(a) Conduct the physical inventory required by Section 3(6) of this administrative regulation; and

(b) Provide any records of the animals to the state veterinarian.

(4) Herd status levels. (a) When a herd is first enrolled in the HCP, it shall be placed in first-year status, except that if the herd is comprised solely of animals obtained from herds already enrolled in the HCP, the newly enrolled herd shall have the same status as the lowest status of any herd that provided animals for the herd.

(b) If a herd continues to meet the requirements of the HCP, the herd status shall be upgraded by one (1) year on the program enrollment date.

(c) One (1) year from the date a herd is placed in fifth-year status, the herd status shall be changed to "certified". The herd shall remain in "certified" status as long as it is enrolled in the program, if its status is not revoked or suspended in accordance with this administrative regulation or 9 C.F.R. 55.24.

(d) Herds currently enrolled in the CCDWSI program shall be aligned to the appropriate status level provided in 9 C.F.R. 55.24.

(e) A herd owner shall be issued a certificate of "Certified" status upon complying with the HCP Program, as defined in this administrative regulation.

(f) Renewal of a Certified Cervid Herd. A herd is certified for twelve (12) months. For continuous certification, adherence to the provisions in this administrative regulation and all other state laws and administrative regulations pertaining to holding cervids shall be required.

(g) A herd's certification status shall be immediately revoked and a herd investigation shall be initiated, if CWD positive or exposed animals are found in the herd.

(5) New animals shall only be introduced into the herd from other herds enrolled in the Kentucky HCP or a state Chronic Wasting Disease Certification Program approved by the Kentucky State Veterinarian or the Federal CWD Certification Program.

(a) If animals are introduced from a herd of lower status, the receiving herd status shall revert to the lower status.

(b) If animals are introduced from a herd not participating in a certification program, the receiving herd shall revert to first-year status in the certification program.

Section 5. Annual HCP permit renewal required. (1) To continue in the Program, persons shall:

(a) Submit a permit renewal application thirty (30) days prior to the expiration of the prior year's permit;

(b) Pay a \$150 renewal fee; and

(c) Make all animals and records available to the state veterinarian.

(2) Facilities and herds that have met the requirements in Sections 3 through 5 of this administrative regulation shall receive a renewal permit.

Section 6. CWD Herd Monitoring Program (HMP) Requirements. Herds enrolled in the HMP surveillance program shall meet the requirements in Sections 6 through 8 of this administrative regulation. HMP herds shall not be eligible for "certified" status. (1) All cervids entering a HMP facility shall originate from a CWD Certified Herd.

(2) A cervid shall not be permitted to leave the HMP facility alive.

(3) Animal identification requirement.

(a) All animals greater than twelve (12) months of age shall be identified with an official animal identification and a visual (flop tag) type of animal identification.

(b) Permit holders failing to meet identification requirements shall be subject to compliance plans and penalties as provided in Section 14 of this administrative regulation.

(4) The herd premises shall have a valid KDFWR permit pursuant to KRS 150.730 through 150.735.

(5) The herd veterinarian shall be notified within twenty-four (24) hours of observance of an animal with clinical signs suggestive of CWD.

(6) The owner shall report to the office of state veterinarian all animals that escape or disappear, and all deaths (including animals killed by harvest) of animals in the herd aged twelve (12) months or older.

(a) The reporting time frame shall be:

1. For animals that escape or disappear, a report shall be made within forty-eight (48) hours;

2. For animals taken by harvest, a report shall be submitted by the last day of each calendar month; and

3. For animals that die from illness or unknown reason, a report shall be submitted within seven (7) days.

(b) The report shall include all animal identification numbers and the estimated time and date of the disappearance, escape, or killing of the animal.

(c) Animals twelve (12) months of age or older that die or are killed by harvest shall have the required tissue specimens collected for CWD testing and submitted to an approved laboratory.

(d) In accordance with 9 C.F.R. 55.23, an APHIS or representative of the state veterinarian shall investigate herds that fail to comply with testing requirements and shall evaluate the herd's status.

(7) The owner shall maintain and provide to the state veterinarian or APHIS representative upon request the following herd records:

(a) Census of animals including the official identification number and any other identification, and the age and sex of each animal;

(b) A record for each purchased or natural addition to the herd including:

1. The official identification number, species, age, and sex of the cervid;

2. The name and address of the person from whom the cervid was purchased;

3. The address of the herd from which the cervid was purchased;

4. A copy of the Certificate of Veterinary Inspection that accompanied the animal for intra- or interstate movement;

5. Date the purchased addition entered the herd; and

6. Approximate date of birth if a natural addition;

(c) A record of each cervid leaving the herd including:

1. If the cervid died on the premises, the date of death, the apparent cause of death, the cervid's age, sex, and state-federal official individual animal identification, date and laboratory submitted for CWD testing, if required, and the disposition of the cervid's carcass. If the carcass left the premises, the record shall identify the carcass destination and recipient; and

2. If the cervid was killed by harvest, the date, name, and address of the hunter, the disposition of the carcass, and CWD testing information;

(d) A record of all CWD individual animal tests conducted on cervids in the herd;

(e) Records received from the herd veterinarian related to veterinary services provided to the herd;

(f) If the animal escaped, the date of escape; and

(g) All individual identification numbers (from tags, tattoos, electronic implants, etc.) associ-

ated with each animal.

(8) All removals and deaths shall be reported monthly to the state veterinarian.

(9) All untagged animals that die or are killed shall be identified with an official identification device and shall be tested for CWD and shall be reported to the state veterinarian.

(10) Animal inventory.

(a) To enroll a herd in the HMP, the owner shall conduct a physical inventory of all animals to establish the baseline herd inventory. The physical inventory shall be conducted with a representative of the State Veterinarian and shall verify all animal identification and records.

(b) An annual herd census shall be conducted by the owner and a representative of the office of the state veterinarian that reviews all records and includes observation of unrestrained animals in an enclosed area.

(c) The state veterinarian or APHIS representative may request additional physical inventories to verify herd compliance with program standards.

(11) Cervids twelve (12) months and older in the following categories that die shall be made available for tissue sampling and testing in accordance with instructions from the APHIS or state representative:

1. All cervids that are not officially identified;

2. All cervids that die for any reason other than harvest; and

3. The first ten (10) cervids that are harvested within a calendar year.

(12) The owner shall be responsible for assembling, handling, and restraining the animals and for all costs incurred to present the animals for inspection.

Section 7. HMP Permit. (1) A HMP permit shall be required to participate in the program. The applicant shall submit the following:

(a) A permit application contained in the CCWDSI Herd Certification Program and Herd Monitoring Program application packet;

(b) A written statement by a Kentucky licensed and accredited veterinarian, certifying that the veterinarian and the herd owner have a valid veterinarian-client relationship; and

(c) A fee of \$150.

(2) The department shall grant or deny a permit within thirty (30) days after the department receives the completed application package with the required fee.

(3) After the permit is issued, the participant shall enroll his herd into the HMP as follows:

(a) Conduct the physical inventory required by Section 6(10) of this administrative regulation;

(b) Provide origin documentation on all animals in herd; and

(c) Provide identification numbers, sex, age, and species for all animals in herd.

Section 8. Annual HMP permit renewal required. (1) To continue in the HMP Program, persons shall:

(a) Submit a permit renewal application thirty (30) days prior to the expiration of the prior year's permit;

(b) Pay a \$150 renewal fee; and

(c) Make all animals and records available to the State Veterinarian.

(2) Facilities that have met the requirements in Sections 6 through 8 of this administrative regulation shall receive a renewal permit.

Section 9. Intrastate Movement Requirements. (1) All intrastate movements of cervids, other than to a state- federal-inspected slaughter establishment, shall be accompanied by an intrastate movement Certificate of Veterinary Inspection signed by a licensed and accredited veter-

inarian in accordance with 302 KAR 20:065.

(2) The intrastate movement certificate shall include the following:

- (a) Consignor's name, address, and state veterinarian issued farmed cervid permit number;
- (b) Consignee's name, address, and state veterinarian issued farmed cervid permit number;
- (c) Official individual animal identification for each animal; and
- (d) The movement permit number to ship, which may be obtained by telephone, issued by the state veterinarian prior to movement.

Section 10. Requirements for Entry into Kentucky. (1) Only cervids from "Certified CWD Herds" shall enter Kentucky.

(2) All cervids on the CVI shall meet the requirements in 302 KAR 20:040, Section 13.

(3) The following statements shall be included on the CVI:

- (a) "All cervids identified on this certificate originate from a Certified herd meeting requirements for certified CWD herd status as determined by the Kentucky State veterinarian."; and
- (b) "No cases of CWD in cervids have been diagnosed within a twenty-five (25) mile radius of the consignor premises in the last five (5) years."

Section 11. Surveillance Testing Procedures. (1) Official CWD tests and approved labs to conduct official CWD testing shall be in accordance with 9 C.F.R. 55.8.

(2) A diagnosis of CWD by an approved laboratory shall be confirmed by the National Veterinary Service Laboratory.

(3) If required tissues from test eligible cervids are not submitted for laboratory diagnosis, the state veterinarian shall reevaluate the status of the herd.

Section 12. Investigation of Cervid CWD-positive Animals. (1) An epidemiological investigation in accordance with 9 C.F.R. 55.23 shall be conducted for all animals diagnosed at an approved laboratory as CWD positive or suspect.

(2) All positive herds and all source, exposed, and adjacent herds shall be investigated epidemiologically.

(3) All positive herds and premises and all source, exposed, and adjacent herds and premises shall be quarantined.

Section 13. Duration of Quarantine. Quarantines placed in accordance with this administrative regulation shall be removed as follows:

(1) A premises may be removed from quarantine after completion of the herd plan and five (5) years of compliance with all provisions of 9 C.F.R. Part 55.

(2) An adjacent or exposed herd or premises may be removed from quarantine only after an epidemiological investigation and by order of the designated epidemiologist.

Section 14. Penalties. (1) Penalties for failure to comply with standards established in this administrative regulation for the CCWDSI HCP or HMP.

(a) The department may, pursuant to KRS Chapter 257, revoke or suspend a herd's permit for the HCP or the HMP if:

- 1. A person falsifies information on an enrollment application, or falsifies subsequent information required for continued enrollment;
- 2. A person fails to comply with requirements in this administrative regulation on animal identification, animal inventory, herd records, CWD testing, or animal movement; or
- 3. A person or facility fails to remain in compliance with KDFWR statutes and administrative regulations.

(b) In accordance with KRS 257.990, a permit holder may be subject to a fine for violation of this administrative regulation.

(c) Any person who violates Section 5(1)(b) or Section 8(1)(b) of this administrative regulation by making an untimely payment of a renewal fee, shall be charged a penalty of ten (10) percent and shall be required to pay this penalty in addition to the original renewal fee.

1. The original renewal fee and penalties shall be compounded by ten (10) percent monthly until paid in full; and

2. Any renewal fee and penalties remaining unpaid for three (3) successive months may result in a permit revocation.

(2) Penalties for failure to comply with Section 10 of this administrative regulation, Requirements for Entry into Kentucky.

(a) In accordance with KRS 150.740(6), a person shall be guilty of a Class D felony upon conviction for violating Section 10 of this administrative regulation.

(b) Upon conviction of a second violation of Section 10 of this administrative regulation and in addition to all other penalties, a person shall be permanently ineligible for renewal of a captive cervid permit.

(3) In accordance with KRS 150.740(7), the KDFWR may seize captive cervids that have been imported into the Commonwealth contrary to this administrative regulation and KRS 150.740 and 257.550.

(4) In accordance with KRS 150.740(8), the KDFWR may seize and destroy captive cervids that are in the process of being imported into the Commonwealth contrary this administrative regulation and KRS 150.740 and 257.550.

Section 15. Incorporation by Reference. (1) "CCWDSI Herd Certification Program and Herd Monitoring Program application packet," 10/2009, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Agriculture, Division of Animal Health, 100 Fair Oaks Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (29 Ky.R. 839; Am. 1768; eff. 1-16-2003; 37 Ky.R. 1035; Am. 1634; eff. 2-4-2011; 41 Ky.R. 311; 743; eff. 10-31-2014.)